

September 13, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Ex Parte Presentation in CG Docket No. 03-123

Dear Ms. Dortch:

On September 11, 2004, the Potomac Chapter of the Registry of Interpreters for the Deaf hosted a forum on video interpreting, "A Video Interpreting Forum" at Gallaudet University. The forum consisted of five sessions - panel discussions, presentations and group discussions. Upon our request, Traci Randolph, Helen Chang and Gregory Hlibok of the Federal Communications Commission gave a presentation, titled "The Federal Communications Commission and Video Relay Service."

Attached please find copies of the forum agenda and the FCC's PowerPoint slides which were also given as handouts.

Sincerely,



Gordon Vernon, President

**PCRID PRESENTS  
A VIDEO INTERPRETING FORUM**

**September 11, 2004**

**8:30 AM – 5:30 PM**

**Gallaudet University – SAC Room 1011**

**.7 CEUs PS**

**PCRID is an RID CMP and ACET Sponsor**

**Registration will be conducted on site only - registration cost is \$20.00**

**Lunch will be provided and we need an accurate head count.**

**Please RSVP to Mindy Lanie at [pdg@pcrid.org](mailto:pdg@pcrid.org) by September 8, 2004.**

**8:30 - 10:00 Introduction to the Video Arena**

A panel discussion led by Daryl Crouse (RID Video Interpreting Committee Chair) and Kalen Shoemaker (Director at CSD Video Relay - DC Office) - Interpreters considering this environment should come and learn about the work from veteran Video Interpreters. A panel discussion will offer information from working interpreters, perspectives from deaf consumers of VRS, and insights from employers working with interpreters in the newest and largest segment of the video arena - video relay interpreting.

**10:15 - 11:45 Occupational Safety Aspects**

Presented by John Lewis (Sorensen VRS at Gallaudet University) and Janet Bailey (RID Video Interpreting Committee) - The idea of providing interpreting over television cables, the internet or phone lines once seemed a thing of the distant future. But the future is here and more and more interpreters are now working in this new and exciting Video Environment. What are the benefits and challenges faced by interpreters working in a two-dimensional world? Are working conditions in this environment the same or different from community work? Participants will be asked to share experiences, concerns, and comments in small and large group discussions. The information gathered at this forum will be collected and shared with the RID's Video Interpreting Committee, and an article will be submitted to national interpreting and deafness related publications.

**Lunch – Provided by Gallaudet Interpreting Service**

**1:00 - 2:30 The Federal Communications Commission and Video Relay Service**

Presented by Helen Chang (FCC Section 504 Officer & Interpreter), Traci Randolph (FCC Interpreter & Disability Policy Specialist.) and possibly Greg Hlibok (FCC Attorney). Get the scoop from the FCC (Federal Communications Commission): History of VRS; Latest news in relay; Role of the FCC. Questions and controversies? There will be an opportunity to address those too.

**2:45 - 4:15 RID Standard Practice Paper Forum**

Daryl Crouse, Chair of the RID Video Interpreting Committee (VIC), Janet Bailey (VIC member), and Suzanne Piper (RID Board Liaison to the VIC) will lead a forum aimed at gathering information to be used in drafting the Association's Standard Practice Paper. The current draft will be shared with participants including considered changes currently being discussed within the committee. Audience comments will be collected and shared with the RID Video Interpreting Committee as they continue their work on the Paper.

#### **4:30 - 5:30    Comment Period on FCC's Further Notice of Proposed Rulemaking**

Gordon Vernon, PCRID President and Andrea Capuyan, VRS Supervisor at Gallaudet Interpreting Services will hold a one-hour forum to solicit comments from Video Interpreters on the Further Notice of Proposed Rulemaking published in the Federal Register on September 1, 2004. All comments collected will be sent to the FCC.

### **PRESENTER BIOS**

**Janet Bailey, CSC, SC:PA**, is President & CEO of Sign Language Associates, Inc. (SLA). An interpreter for over 20 years, Janet has a BA in speech/drama and has done graduate work in theatre and linguistics. She has worked for the NAD & Gallaudet, and is known for her pioneering work in theatrical interpreting. As a founder of SLA *{21 years old this past August}* Janet's expertise in the area of business has led to numerous speaking and consulting engagements throughout the United States and Canada. She is also a noted trainer offering workshops and seminars on Business, Service Provision, Interpreter Qualifications, Leadership, Interpreter Skill Development, and Theatrical Interpreting. Ms. Bailey is a Past President of RID and serves on the NAD/RID National Council on Interpreting as well as the Board of Directors of Deaf REACH.

**Kalen Beck, CI, CT** currently works as the director of Video Relay services for Sign Language Associates, Inc. (SLA). Kalen has been interpreting for the past 15 years, ten of which have been with SLA here in DC. Previous to her move to the metro DC area, Kalen worked in diverse environments in both Alaska and Texas. Her role as director of video relay involves ensuring provision of video relay interpreting services in accordance with FCC guidelines and providing a healthy work environment for video interpreters. Kalen is also a workshop presenter working with educational interpreters on vocabulary expansion and language development.

**Andrea Capuyan, CI, CT** has been interpreting professionally since 1994 and has worked in the Washington Metropolitan area since 1996. She has been a Gallaudet Staff Interpreter since 2002. Andrea is responsible for the overall supervision of the Video Relay Service Center at Gallaudet

**Helen Chang, CI, CT** has been the Federal Communications Commission's (FCC's) Section 504 Officer/Interpreter since June 2001. Helen's role at the FCC is to assure that the Commission's programs and services are accessible to the public and that reasonable accommodations are appropriately provided to FCC consumers. She advises and consults with Commission staff on issues related to disabilities and is available to provide direct interpreting services when needed. Prior to accepting her position with the FCC, Helen was a freelance interpreter in the Washington, DC area for over 11 years. Helen holds a BA in English from Penn State, an MA in Library Science from the University of Michigan, and has completed all but the dissertation for a Ph.D. in Library Science from the University of North Carolina at Chapel Hill.

**Daryl Crouse CI, CT, BA**, is the Chair of the RID Video Interpreting Committee. Mr. Crouse is also President of Communication Access Network of America, Inc. (CAN). Working as a professional Interpreter since 1993, he has worked in several environments; including video based interpreting since 1999. He has provided training seminars to colleagues and organizations attempting to implement video interpreting services. Mr. Crouse is recognized not only for his knowledge of providing interpreting services over video but also depth of technical knowledge of equipment and protocols utilized in video interpreting. Mr. Crouse holds a BA in Business Administration from East Carolina University, North Carolina.

**Gregory Hlibok** - At each encounter, the late disability rights leader, Justin Dart never fails to express his gratefulness to Gregory Hlibok. He was thanking him for his role as a student leader that rocked the world of deaf education. Its achievement is reverberating today at Federal Communications Commission. In March 1988, a group of students at Gallaudet University started the Deaf President Now movement whose goal was not only to install a deaf president at the school, but also to create greater opportunities for deaf people. The movement has brought the attention of people across the world that raised greater awareness of the needs, desires and goals of deaf people. It led to the appointment of Gallaudet University's first deaf president, I. King Jordan who said that Hlibok's name was "synonymous" with the DPN movement. Greg was selected as Peter Jennings's ABC Person of the Week. Because of heightened awareness, landmark legislation, Americans with Disabilities Act (ADA) was enacted in 1990. This legislation mandated the implementation of Telecommunications Relay Service (TRS) and granted FCC the authority to oversee TRS. Greg, a native of Queens, New York, attended Gallaudet University and Hofstra University Law School and was admitted to NY Bar. Prior to joining Consumer & Governmental Affairs Bureau's Disability Rights Office in June 2001, Greg served clients in two capabilities, first as a private practicing attorney and then financial advisor at Merrill Lynch. His work as an attorney advisor concentrates mostly on Telecommunications Relay Service issues. On his spare time, he continues to volunteer his time with deaf organizations by forming an American Sign Language book & video section at a public library and participates in adopt-a-road project. To stay in shape, he plays soccer regularly. He is married to Charmaine Jacobs and has three sons, Rainer (4), Brendan (1 1/4) and Charlton (2 months).

**John G. Lewis, MA, CI and CT**, currently works as a staff interpreter for the Gallaudet University Interpreting Service [GIS]. He has experience as a video relay interpreter for the past year. Working as a professional interpreter since 1986, John provides interpreting services in American Sign Language, Spoken English and Spoken French. He has provided interpreter training seminars both nationally and internationally. John has earned an Associates degree in Sign Language Interpreting from Mesa College of San Diego, a Bachelors degree in French from San Diego State University, and a Masters degree in Linguistics from Gallaudet University. John has been active in RID and currently serves on their Journal of Interpretation Board of Editors.

**Suzanne Piper, CI, CT** has worked as a sign language interpreter since 1986; and currently serves as the Region II Representative on the Board of Directors of the Registry of Interpreters for the Deaf (RID). She holds degrees in Deaf Education from Bloomsburg University, and in Interpretation/Transliteration from Gallaudet University. She also serves as the Chairperson of the Federal Interpreter's Interagency Council, and as Past-President of the Potomac Chapter of RID (PCRID). Suzanne currently works as a Team Leader in the Headquarters Employee WorkLife Center at the U.S. Department of Energy, where her duties include interpreting and managing the accommodation program for people with disabilities. She resides in Silver Spring, MD.

**Traci Randolph, CI and CT, SC:L** has been a staff sign language interpreter in the Federal Communications Commission's (FCC's) Disability Rights Office since April 2002. When not interpreting, Traci focuses on disability policy issues and rulemakings with a special emphasis on matters relating to telecommunications relay services and closed captioning. Before joining the FCC, Traci was a freelance interpreter in the Washington, DC area for 3 years and a staff interpreter with Sign Language Associates in Silver Spring, MD for almost 8 years. She holds a B.A. in Sign Language Interpreting from Maryville College in Maryville, TN, and an M.S. in Family Studies from the University of Maryland.

**Gordon Vernon, CI, CT** has served as a Sign Language Associates (SLA) administrative staff interpreter since 1995 was promoted to Program Manager for SLA's nationally renowned Mentorship Program in 2001. As a senior staff interpreter, Gordon specializes in performing arts, technical, emergency medical, scientific, and video relay interpreting. He has been interpreting professionally for over 17 years. Gordon is the current President of the Potomac Chapter of the Registry of Interpreters for the Deaf (PCRID) serving the state of Maryland and the District of Columbia. Gordon has served on the PCRID Board of Directors in various positions since 1996 and served as Vice President of the Alabama Registry of Interpreters for the Deaf from 1993-1994. Gordon received the Region II President's Choice Award during the 2001 RID Conference in Orlando and the Region II Representative's Choice Award during the 2003 RID Conference in Chicago.



## The FCC & VRS

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## Federal Communications Commission (FCC)

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### Basic Info

- Independent agency
- Created by the Communications Act of 1934
- Governed by 5 Commissioners
  - Appointed by President, confirmed by Senate
  - Serve 5 yr. terms
  - President designates one Commissioner as Chairperson
  - No more than 3 from one political party

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### Current Commissioners



Kevin Martin (R)      Michael Powell, Chairman (R)      Jonathan Adelstein (D)  
Kathleen Abernathy (R)      Michael Copps (D)

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### Function

- Regulates interstate and international communication by
  - Radio
  - Television
  - Wire
  - Satellite
  - Cable



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### Telecommunications

"The term 'telecommunications' means the transmission, between or among points specified by the user of information of the user's choosing, without change in the form or content of the information sent and received." 47 USC §153 (43)

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## Beginnings



- 1990 – ADA, Title IV mandated TRS
- 1990 – Section 225 added to Communications Act of 1934  
“[T]elephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication...in a manner that is functionally equivalent to...voice communication services...” 47 USC § 225(a)(3)
- 1991 – FCC Report & Order requiring TRS
- 1993 – Nationwide TRS started

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## TRS and the FCC

- The FCC is charged with the responsibility of ensuring “that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.” 47 USC § 225(b)(1)
- The FCC therefore requires common carriers providing voice services to also provide TRS in the areas they serve

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## TRS Principles

- TRS is to be “functionally equivalent” telephone service for people with hearing or speech disabilities
- CAs intended to be “transparent conduits relaying conversations without censoring or monitoring functions.” TRS I, ¶ 13

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## TRS Confidentiality

- “CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with the limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of the call, even if to do so would be inconsistent with state or local law.” 47 CFR § 64.604(a)(2)(i)

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## Interstate TRS Fund

- All providers of interstate telephone service contribute (e.g., billing surcharge)
- Providers of traditional interstate TRS service, IP Relay, and VRS receive reimbursement based on minutes of service provided (conversation minutes)
- Current Fund administrator is NECA (National Exchange Carrier Association)
- FCC oversees the Fund

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## TRS Funding – Interstate

- Traditional interstate TRS
  - February 25, 1993 Order on Reconsideration
- VRS
  - March 6, 2000 Report & Order
- IP Relay
  - April 22, 2002 Declaratory Ruling

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## TRS Funding – Intrastate

- Intrastate TRS services
  - Funded by the states
    - Cost recovery method up to states (e.g., local phone bill surcharges, rate adjustments, or full funding from state)

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## Carrier Contribution Rate July 1, 2004-June 30, 2005

- Per June 30, 2004 Order
- Carrier Contribution Rate 0.00356
- Interstate TRS Fund increased from \$170,500,000 (Feb. 2004 adjustment) to \$289,352,701.

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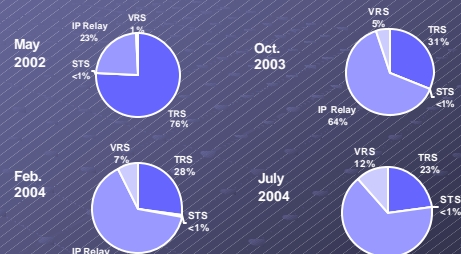
## Current Reimbursement Rates from TRS Fund (July 1, 2004 – June 30, 2005)

- Per-minute rates
  - \$1.349 - traditional interstate TRS and Internet Protocol (IP) Relay
  - \$1.440 - interstate Speech-to-Speech Service (STS)
  - \$7.293 - VRS

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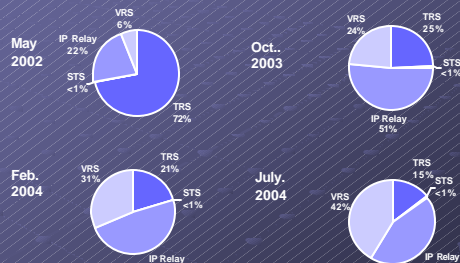
## TRS Minutes Comparison



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## TRS Reimbursement Dollars Comparison



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## Video Relay Service (VRS)

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## VRS

### ● Video relay service (VRS)

A telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller. 47 CFR § 64.601(17)

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## VRI vs. VRS

### ● VRI (Video Remote Interpreting) – Interpreting service

- Deaf and hearing clients in the same room
- Interpreter in remote location
- Cost at market rate for interpreting services

### ● VRS – TRS service

- Deaf and hearing clients in **different** locations
- Interpreter in remote location
- No cost to user

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## Communications Assistant (CA)

### ● Communications assistant (CA)

A person who transliterates or interprets conversation between two or more end users of TRS. CA supersedes the term "TDD operator." 47 CFR § 64.601(7)

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## VRS CAs must be qualified interpreters.

**Qualified interpreter.** An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. 47 CFR § 64.601(10)

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## History of VRS

- Texas trial in Jan. 1995 & Sept. 1996 (TX PUC, Sprint, SW Bell, & consumer groups)
- 1/14/97 Notice of Inquiry (NOI) **raised:**
  - Does ADA Title IV apply to VRI (Video Relay Interpreting) [s/c]?
  - Is it technically feasible?
  - Are there enough qualified interpreters?
  - How should it be offered?
  - Are there add'l privacy/confidentiality concerns?
  - What are the costs?

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## History of VRS (continued)

- 5/28/98 Notice of Proposed Rulemaking (NPRM) **proposed:**
  - ADA Title IV does apply to VRI [s/c]
  - Reimbursement (intrastate and interstate) from Interstate TRS Fund
  - *Some* minimum standards be waived but may be applicable
  - VRI [s/c] be non-mandatory
  - Adopt DOJ's definition of "qualified interpreter" & amend definition of CA

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## History of VRS (continued)

- 3/6/2000 Report & Order (R&O) **concluded**:
  - VRI [sic] is a form of TRS (non-mandatory, 24/7 not required)
  - Temporary reimbursement (interstate & intrastate calls) from Interstate TRS Fund
  - Must comply with mandatory minimum standards with some exceptions
  - New definition of CA includes **all** CAs
  - Requires VRI [sic] CAs be "qualified interpreters"
  - Must adhere to TRS confidentiality rules

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## History of VRS (continued)

- 6/5/00 Order on Reconsideration (Recon. Order) **amended & clarified**:
  - VRI changed to VRS (Video Relay Service)
    - VRI **not** reimbursable from Interstate TRS Fund
- 12/21/01 Memorandum Opinion & Order (MO&O) **stated** VRS waivers:
  - STS
  - Spanish-to-Spanish

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## History of VRS (continued)

- 6/17/03 Second R&O, Order on Recon., & NPRM (dealt mostly with "Traditional" TRS and IP Relay matters")
- 6/30/04 R&O, Order on Recon, & Further Notice of Proposed Rulemaking (FNPRM) **concluded & asked**:
  - VRS cost recovery- interim arrangement
  - .....

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## Further Notice of Proposed Rulemaking (FNPRM)

- Released June 30, 2004.
- ¶¶ 220-258 of the Order
- Comments due **10/18/04**  
Reply Comments due **11/15/04**
- Docket number CG 03-123
- Primarily affects internet-based services, i.e., VRS and IP Relay

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## Issues Directly Affecting VRS CAs

- ¶ 245- Should VRS be mandatory?
  - Potential implications on the available labor pool of qualified interpreters?
    - Sufficient number of qualified interpreters available for hire to handle call volumes?
- Interpreters' working conditions?
  - Increase in repetitive motion injuries?

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## Issues cont'd

- ¶ 245- Should VRS be required 24/7?
  - Interpreter labor shortage issue?

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## Issues cont'd

### • ¶ 246- Should there be a Speed of Answer rule for VRS?

- Are there enough interpreters available to ensure that providers could meet a particular speed of answer rule?

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## Issues cont'd

### • ¶ 248- Should the "10 minute rule" not apply to VRS? Should there be a separate rule for the in-call replacement of VRS CAs?

- During 1<sup>st</sup> 10 minutes of call the CA doesn't understand caller or vice versa

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## Issues cont'd

### • ¶ 249- Should VRS CAs be permitted to ask questions to the VRS user during call set-up?

- Gain understanding of nature of call
- CA's role is to be a transparent conduit.
- Not interfere with the VRS's users independence

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## Issues cont'd

### • ¶ 255-258- Abuse of CAs

- Abuse directed at CA, abuse directed to called party for the purpose of hearing/seeing the CA relay the message, inappropriate conduct or language seen by VRS CA
  - Scope of problem?
  - Applicable existing laws?
  - FCC rules, section 225, First Amendment issues

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## Issues cont'd

### ¶ 255-258- Abuse of CAs cont'd

- CA as a transparent conduit relaying calls regardless of content
- Functional equivalency
- Anonymity due to Internet leg of the call
- Existing laws adequate?

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## Issues cont'd

### ¶ 255-258- Abuse of CAs cont'd

- Adopt TRS rules for curbing abusive calls?
- Who determines what calls can be refused/terminated?
- Suggestions for TRS providers, CAs, state TRS programs?
- Means of precluding or minimizing abusive, harassing, or obscene calls

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## Issues cont'd

- ¶ 258- Misc. Issues:
  - CA "idle time" (time spent waiting for a call)
    - Appropriate conduct?
  - Confidentiality re: what's seen on the CA's computer screen
  - Other issues re: appropriate behavior and language of VRS CAs?

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## Filing a comment on ECFS Express

- Go to <http://gulfoss2.fcc.gov/ecfs/Upload/>  
Scroll down and select  
**Telecommunications Relay Service**  
**Docket 03-123.** (Be careful not to select 98-67)  
Scroll down and click "continue."  
Fill out the required fields and type your comment in the appropriate field.

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## Filing a comment

- For instructions on filing hardcopy comments: <http://www.fcc.gov/rules.html>
- For instructions on filing comments electronically: <http://www.fcc.gov/cgb/ecfs>
- You need to include a docket number on your filed comment. For the current FNPRM, reference Docket **CG 03-123**.

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## FCC Contact Information

Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

Web site: [www.fcc.gov](http://www.fcc.gov)  
E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)  
Disability Rights Office: [www.fcc.gov/cgb/dro](http://www.fcc.gov/cgb/dro)  
Consumer Alerts & Factsheets:  
[www.fcc.gov/cgb/information\\_directory.html](http://www.fcc.gov/cgb/information_directory.html)

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## Contact Information

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